

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ASHLEY LEVARIO, an individual,

Plaintiff,

v.

**OREGON HEALTH AND SCIENCE
UNIVERSITY**, an independent public
corporation,

Defendant.

Case No. 3:23-cv-01262-AR

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Caroline Janzen, Rugged Law, Inc., 4550 SW Hall Boulevard, Beaverton, OR 97005. Attorney for Plaintiff.

Sophie Shaddy-Farnsworth, Thomas R. Johnson and Brenda K. Baumgart, Stoel Rives LLP, 760 SW Ninth Avenue, Suite 3000, Portland, OR 97205. Attorneys for Defendant.

IMMERGUT, District Judge.

Plaintiff Ashley Levario brings claims against Defendant Oregon Health and Science University for failure to accommodate under Title VII and Oregon law. Defendant filed a Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6), ECF 4, arguing that Plaintiff failed to state a claim under either statute. Magistrate Judge Armisted issued his Findings and Recommendation (“F&R”), recommending that Defendant’s motion be denied and that

Plaintiff's claim under O.R.S. § 659A.030 be dismissed. ECF 16. Although this Court granted Defendant's motion to extend the time for filing objections, neither party filed objections by the deadline. This Court has reviewed the F&R for clear error and ADOPTS the F&R in full.

STANDARDS

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154; *see also* Fed. R. Civ. P. 72(b) Advisory Committee Notes (suggesting that, in the absence of objections, the court should review for "clear error on the face of the record").

No party having timely filed objections, this Court has reviewed the F&R for clear error. Having reviewed the record, this Court agrees with Judge Armisted's analysis and finds no clear error in the F&R. The F&R, ECF 16, is ADOPTED in full. Defendant's Motion to Dismiss, ECF 4, is DENIED.

IT IS SO ORDERED.

DATED this 19th day of December, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge